

REMARKS

The above-noted Official Action mailed 08/06/2007 has been received and carefully studied.

This AMENDMENT AFTER FINAL REJECTION is submitted after a telephonic interview on December 3, 2007 between Examiner Beisner and the Applicant's representative, Marvin S. Townsend.

Entry of the foregoing amendment and reconsideration of the application in view of the above amendment and the following remarks is hereby requested.

Turning to the claims, Claims 2, 3, 4, 6, 7, and 8 are currently in the case.

Claims 1 and 5 are cancelled herein.

Claims 2 and 3 are currently amended to depend from claim 4.

Claims 4 and 6 are currently amended.

Claim 7 is as originally presented and depends from claim 6.

Claim 8 is newly presented herein.

Now turning to the claims, in view of the Official Action, and as discussed in the telephonic interview with Examiner Beisner, with respect to the current amendment of claim 4 and the new claim 8, no new matter is presented. More specifically, content of the amended claim 4 and new claim 8 are set forth in

the specification of the original application on p. 12, lines 1-15, on p. 20, line 23 to p. 21, line 8, and on p. 21, line 9 to p. 22, line 4. Also, they were set forth on p. 18, lines 16-25 in the Remarks in the Amendment filed on May 4, 2007. Also, they were closely approximated in claim 4 of the Amendment filed on May 4, 2007.

In addition, with respect to new claim 8, said new claim 8 recites "A combination multiple electrode pair array and a multiple well plate apparatus" which was mentioned by Examiner Beisner in the Official Action dated 08/06/2007.

In addition, with respect to the Applicant's currently claimed invention as set forth in currently amended claim 4 and new claim 8, neither Malin et al (5,643,742) nor Giaever et al (5,187,096) discloses a gap between adjacent pairs of electrodes for adjacent cells so that the gap between the electrodes straddles an intervening wall between adjacent wells of a multiple well plate which fits by a friction fit into the gap between the adjacent pairs of electrodes.

This spacing between adjacent pairs of electrodes to straddle an intervening wall of adjacent cells is discussed in the specification of the subject application at page 12, lines 1-15 and from page 20, line 23 to page 21, line 8. Significant

benefits obtained are (1) relatively tight friction fits between electrodes and walls of the nonelectric wells and (2) leaving a maximum amount of space for sample reception and electroporation in the respective wells of the multiple well plate 11. Clearly, such structures and benefits are not disclosed in either Malin et al (5,643,742) or Giaever et al (5,187,096).

The present patent application is related to another patent application entitled APPARATUS FOR RECEIVING AND ALIGNING A MULTIPLE ELECTRODE PAIR ARRAY AND A MULTIPLE TREATMENT CELL FOR USE IN ELECTROPORATION by Walters et al, Serial No. 10/694,344, Filing Date 10/28/2003, which has been filed concurrently with the present application. Said APPARATUS FOR RECEIVING AND ALIGNING A MULTIPLE ELECTRODE PAIR ARRAY AND A MULTIPLE TREATMENT CELL FOR USE IN ELECTROPORATION has the following advantages which enable overcoming the "friction fit" provided by the invention claimed in the present application:

(1) facilitates overcoming the frictional resistance for fitting a 96 electrode pair matrix array into a conventional 96 well multiple well plate;

(2) facilitates overcoming the frictional resistance for fitting a multiple electrode pair matrix array into a conventional multiple well plate;

(3) facilitates overcoming the frictional resistance to remove a 96 electrode pair matrix array from a conventional 96 well plate;

(4) facilitates overcoming the frictional resistance to remove a multiple electrode pair matrix array from a conventional multiple well plate; and

(5) places pairs of rectangular electrodes into rectangular wells so that the rectangular electrodes closely fit against adjacent walls of the wells.

Such features for overcoming frictional resistance of friction fits are not needed with the apparatuses cited in the prior art. This is so because the cited prior art does provide the Applicants friction fit.

With respect to claims 6 and 7, it can be recalled that in the Remarks in the Amendment filed May 4, 2007, the following facts were pointed out. Neither Malin et al (5,643,742) nor Giaever et al (5,187,096) discloses access channels in the base member to provide access to the nonconductive wells.

In addition, benefits of having these access channels are disclosed in the specification of the subject patent application at page 7, lines 19-24, and from page 13, line 19 to page 20, line 2. Such benefits include (1) adding material to wells even after an electrode assembly has been connected to a nonelectric array of wells and (2) preventing cross contamination between adjacent wells. Clearly, such structures and benefits are not disclosed in either Malin et al (5,643,742) or Giaever et al (5,187,096).

No additional fees are due with respect to this AMENDMENT AFTER FINAL REJECTION. However, a PETITION FOR AN EXTENSION OF

Walters et al  
Ser. No. 10/694,345  
Docket No. 03-384

TIME is filed concurrently herewith, along with proper payment therefor.

On the basis of the above amendment and remarks, reexamination and reconsideration of the application is requested.

It appears that all matters have been addressed satisfactorily, and that the case is now in condition for a complete allowance; and the same is respectfully urged.

In view of the foregoing, it is respectfully requested that claims 2, 3, 4, 6, 7, and 8 be deemed allowable. If the Examiner believes otherwise, or has any comments or questions, or has any suggestions for putting the case in condition for final allowance, the Examiner is respectfully urged to contact the undersigned attorney of record at the telephone number below, so

that an expeditious resolution may be effected and the case  
passed to issue promptly.

Respectfully submitted,

December 3, 2007

Date

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Date, December 3, 2007 .